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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/521,614	03/09/2000	Michael L. Asmussen	5198	2538

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EXAMINER

LONSBERRY, HUNTER B

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 01/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 09/521,614	Applicant(s) ASMUSSEN, MICHAEL L.	
	Examiner Hunter B. Lonsberry	Art Unit 2611	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 29 November 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: _____.

Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see below.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____

13. ☐ Other: _____.

continued from above:

Applicant argues that the combination of Abecassis, Cannon and Look fails to disclose buffering the video program in response to the detection of the occurrence of the incoming request for communications(pages 11-13) and that Look fails to buffer an incoming live video program (page 14).

Regarding Applicant's argument, Abecassis discloses pausing a program in response to the detection of a communications event (figure 13, step 1311, steps 1321-1323, column 52, lines 43-56). Cannon discloses a telephone reception system in which a telephone communicates with a VCR or videodisc player, if a user is watching a movie stored on the VCR/videodisc player and receives a phone call, the caller ID is displayed on the user's television and the movie is automatically paused (column 2, lines 41-65), thus enabling a user to accept the incoming call without missing a portion of the movie.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Abecassis to detect the occurrence of an incoming request and automatically pause the video as taught by Cannon, thus enabling a user to accept the incoming call without missing a portion of the movie.

The combination of Abecassis and Cannon fails to teach buffering the video program when paused.

Look discloses a personal video recorder, which buffers an incoming live video program in response to a pause command (column 9, line 38-column 10, line 16, lines 41-50), thus reducing the time it takes to restart a program when it is resumed and providing perfect synchronization (column 10, lines 49-50).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Abecassis and Cannon to buffer the incoming video in response to a pause command for the advantage of thus reducing the time it takes to restart a program when it is resumed and providing perfect synchronization. As Cannon discloses pausing the communication in response to an incoming communications request, and Look discloses buffering a live video stream in response to a pause command, the combination of Abecassis, Cannon, and Look teaches each and every element of claim 1.

Applicant Argues that there is no motivation to combine Look with Abecassis and Cannon(pages 15-16).

Regarding Applicant's argument, Abecassis, Cannon, and Look are all directed to systems in which the playback of video may be controlled, and pause commands are issued. All three are directed to the same problem of controlling how a user accesses video content. Abecassis and Cannon disclose systems in which a pause command is issued as the result of some sort of communications request. Look is merely relied upon to teach buffering a currently watched video stream in response to a pause command (column 4, line 52-column 5, line 24, column 9, line 38-column 10, line 16, lines 41-50). Look enables a user to resume a buffered paused live video signal, and provides immediate and perfect synchronization, in that the system starts from the same frame it stopped at (column 10, lines 41-50). Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Abecassis and Cannon to buffer the incoming video in response to a pause command, as taught by Look, for the advantage of reducing the time it takes to restart a program when it is resumed and providing perfect synchronization.



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